

November 22, 2021 Work Session

The City Council of the City of Idaho Falls met in Council Work Session, Monday, November 22, 2021, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls at 3:00 p.m.

Call to Order and Roll Call

There were present:

Mayor Rebecca L. Noah Casper
Council President Michelle Ziel-Dingman (departed at 7:00 p.m.)
Councilor John Radford
Councilor Thomas Hally (arrived after roll call)
Councilor Jim Freeman
Councilor Jim Francis
Councilor Lisa Burtenshaw

Also Present:

Robert Wright, Library Director
Kristin Hall, Vice-Chair of the Idaho Falls Public Library Board
Mary Lund (present via telephone), Chair of the Idaho Falls Public Library Board
Colin McAweeney, TischlerBise
Chris Frederickson, Public Works Director
Kent Fugal, City Engineer
PJ Holm, Parks and Recreation Director
Mark Hagedorn, Controller
Ryan Tew, Human Resources Director
Pamela Alexander, Municipal Services Director
Duane Nelson, Fire Chief
Jeremy Galbreath, Police Captain
Ronald Christensen
Michael Kirkham, Assistant City Attorney
Randy Fife, City Attorney
Krista Weeks, Deputy City Clerk

Mayor Casper called the meeting to order at 3:00 p.m. with the following items:

Introduction of Deputy City Clerk Krista Weeks in the absence of the City Clerk.

Acceptance and/or receipt of minutes:

It was moved by Councilor Francis, seconded by Councilor Radford, that Council receive the recommendations from the Planning and Zoning Commission from the November 9, 2021 meeting pursuant to the Local Land Use Planning Act (LLUPA). Roll call as follows: Aye- Councilors Burtenshaw, Hally, Dingman, Radford, Freeman and Francis. Nay – none. Motion carried.

Calendars, Announcements, Reports and Updates:

November 27, Tree Lighting
November 30, Reception to thank Fluor Idaho at the Colonial Theater
December 3, Legislative Preview for The Association of Idaho Cities (AIC)

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December 13, City-County Discussion

Mayor Casper asked if Council wanted to weigh in on a masked or non-masked approach. She stated that we typically following Eastern Idaho Public Health (EIPH) guidelines. Councilor Radford stated that he is happy to do whatever the county would like us to do to keep everything consistent; although he does not feel that masking is necessary in his personal life. Mayor Casper will obtain further clarification on what the current EIPH guidelines are.

Mayor stated she will be out of town somewhat in the next five weeks. Council President Dingman will be acting in her absence. Councilmembers who will be in town over the Thanksgiving holiday include Councilors Freeman, Radford, Hally and Dingman.

Liaison Reports and Councilmember Concerns:

Council President Dingman did want to alert the public that the Idaho Falls Airport is expecting extremely busy holiday travel season, so please be prepared. Councilor Freeman added that there was no long-term parking available during his most recent travel. Mayor Casper stated we are working on overflow.

Councilor Hally stated that two developers are applying for eligibility for two new projects in redevelopment through the Idaho Falls Redevelopment Agency. One developer is looking to redevelop a location that will be close to Ball beef jerky plant into a hotel. The second redevelopment location is off of 1st Street and Yellowstone. These developers must apply and get approved for eligibility study. He also noted that the pancake breakfast for Meals on Wheels was very successful.

Councilor Burtenshaw did not have any updates to provide.

Councilor Francis announced that Lindsay Irvine is retiring from the Idaho Falls Police Department. He also mentioned that a Press Release will be coming out soon regarding the Police Foundation; it is designed to help them with one-time projects and community support. Councilor Francis provided some golf updates, including that season passes for next year are on sale, the irrigation project at Pinecrest Golf Course has been completed, and there will be retirements from both Sage Lakes Golf Course (Gaylen Denning) and Pinecrest Golf Course (Don Frogner). Councilor Francis also announced that holiday lights are in place and almost finished, Keefer's Island Cabin will be lit this year with solar energy, the bridge to the Friendship Garden is now a tunnel of lights, Heritage Park landscaping is moving forward, the Idaho Falls Zoo will be open one last weekend then will be closing for the season, and Boo at the Zoo this year was a success with more than 10,000 attendees.

Councilor Freeman mentioned that with snow season quickly approaching, there is a new app available, Civic Ready, for alerts from the city. The Streets Department is also still collecting leaves. Councilor Freeman also mentioned that the paving of 1st Street has been completed.

Councilor Radford provided an update from the Policy Maker's Council, which included the announcement that federal dollars are being made available to states to use for broadband services. The update also included some information on cybersecurity and ransom attacks.

Pre-hearing Review:

City Attorney Randy Fife explained the appeal hearing process to the Council. He went on to explain City Code establishes the relationship between the people and the government and that City licenses are subject to this code.

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Mr. Fife explained Due Process and the licensing and review process; he also explained the appeals process is not personal, it's procedural, and is designed to ensure the process followed the City Code. He also assured Councilmembers that during the appeal hearing, they can ask questions of both the staff as well as the applicant for clarification. Mr. Fife also defined such terms as withheld judgment and moral turpitude.

Library Update:

Mary Lund, Chair of the Idaho Falls Public Library Board, joined Work Session via telephone. Kristin Hall, the Vice-Chair of the Idaho Falls Public Library Board, provided an update on the library's current agreement with Bonneville County, which ends on September 30, 2022. Mrs. Hall stated that the next contract with the county will base their fees upon usage. During the last two years, the Library Board has been collecting circulation data and sharing this information monthly with the District. The District's usage percentage has been high and consistent over the last few years, so their fees would increase as compared to the current contract. Mrs. Hall stated that the District was surprised when this agreement based on usage and parity was presented. The Library District does not want to come to parity and wants to continue to pay the lower rate, which is not what the Library wants. The Library Board is waiting to hear back whether they accept or reject the contract offer and will update as they learn more. Councilor Radford asked the expected time to know the county's answer? Mrs. Hall stated that hopefully they will have an answer before September 30, 2022. She also mentioned that there is a scheduled meeting January 28, 2022. Mayor Casper asked what it would mean if we didn't have the District as a partner. Mrs. Hall explained that 40% of active library cards belong to members of the District. So membership would be significantly less. Those individuals could buy non-resident library cards if they wanted to do so. The Library Board will do everything they can to maintain incredible services they have. Library Director Robert Wright mentioned that the library has four open positions they have not filled, contingent upon this contract negotiation.

Mary Lund updated the Council on the Sister Cities Collection, which is comprised of gifts given to the library over the years. The Mae Neuber Foundation provided funding for the library to provide a secure storage facility in the library basement. This includes a museum quality storage facility. This grant also provided funding to build two large display cases and eight smaller ones. Mrs. Lund stated that there is an employee at the library with specialized training to care for these artifacts and curate the displays.

Mrs. Lund also wanted to mention that during their meeting on November 3, 2021, representatives from Public Works presented to the Library Board regarding locating the Water Tower at one end or another of the library parking lot. During this meeting, they discussed parking and other impacts. The board unanimously voted in favor of this idea; they believe it would not only be for good public relations but could also help the library obtain some things they would like, such as moving their parking lot entrance. The library parking lot is underutilized, primarily due to Coronavirus (COVID-19). Mayor Casper noted that the library parcel is currently under review by the engineers for this purpose. Councilor Hally wanted to mention his appreciation for the offer from the Library Board. He also asked if the proximity to the current water tower would lessen the construction costs slightly? Public Works Director Chris Frederickson stated that there should be a cost savings associated with that. Mayor Casper also mentioned that such cost savings may be able to cover displaced library parking. Mrs. Lund ended the update stating that the library is doing very well, had a successful summer season, their numbers are inching up again, and they will continue working through the county contract issues.

Status Report and Discussion: Impact Fees:

Public Works Director Chris Frederickson welcomed Colin McAweeney with TischlerBise to begin his Impact Fee Presentation. Mr. McAweeney presented the following information with general discussion throughout:

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Capital Improvement Plans

- Parks and Recreation
- Transportation
- Police
- Fire/Emergency Medical Services (EMS)
- Funding Sources for Capital Improvements

Parks and Recreation Development Impact Fee Analysis

- Neighborhood Park Land and Park Improvements – Incremental Expansion
- Urban/Community Park Land and Park Improvements – Incremental Expansion
- Civic Park Land and Improvements – Incremental Expansion
- Indoor Recreation Center Land and Square Footage – Incremental Expansion

Parks and Recreation Capital Improvements Needed to Serve Growth

- Neighborhood Park Land and Improvements
- Urban/Community Park Land and Improvements
- Civic Park Land and Improvements
- Indoor Recreation Center Land and Square Footage

Parks and Recreation Input Variables and Development Impact Fees

Cash Flow Projections for Parks and Recreation Maximum Supportable Impact Fee

Transportation Development Impact Fee Analysis

Methodology

Demand for Transportation Infrastructure

- Trip Length Weighting Factor by Type of Land Use
- Lane Capacity
- Summary of Demand Model Inputs
- Projected Travel Demand
- Roads Improvements – Incremental Expansion

Transportation Input Variables and Development Impact Fees

Cash Flow Projections for Transportation Maximum Supportable Impact Fee

Police Development Impact Fee Analysis

Methodology

Cost Allocation for Police Infrastructure

Police Level of Service and Cost Analysis

- Police Station – Plan-Based
- Police Vehicles – Incremental Expansion

Police Capital Improvement Needs to Serve Growth

- Police Vehicles

Police Input Variables and Development Impact Fees

Cash Flow Projections for Police Maximum Supportable Impact Fees

Fire/EMS Development Impact Fee Analysis

Methodology

Service Area

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Cost Allocation for Fire/EMS Infrastructure

Fire/EMS Level of Service and Cost Analysis

- Fire/EMS Station Facilities – Incremental Expansion
- Fire/EMS Vehicles and Apparatus – Incremental Expansion
- Fire/EMS Training Center – Incremental Expansion

Fire/EMS Capital Improvement Needs to Serve Growth

- Fire/EMS Station Facilities
- Fire/EMS Vehicles and Apparatus
- Fire/EMS Training Center

Fire Input Variables and Development Impact Fees

Cash Flow Projections for Fire/EMS Maximum Supportable Impact Fees

Proportionate Share Analysis

Implementation and Administration

Appendix A. Land Use Definitions

Residential Development

Nonresidential Development Categories

Appendix B. Demographic Assumptions

Population and Housing Characteristics

Residential Building Permits

Base Year Population and Housing Units

Population and Housing Unit Projections

Current Employment and Nonresidential Floor Area

Nonresidential Floor Area Projections

Functional Population

Vehicle Trip Generation

Residential Vehicle Trips by Housing Type

Residential Vehicle Trips Adjustment Factors

Nonresidential Vehicle Trips

Vehicle Trip Projection

Mr. McAweeney mentioned that residential growth for Idaho Falls is projected to increase 14% over the next 10 years. Nonresidential growth is projected to increase 16% over the next 10 years. With that growth comes an expected 9,000 new jobs and 3.8 million square feet of commercial development. Mr. McAweeney stated, per Mayor Casper, that there is a small amount of wiggle room with the exact dollar amounts in the study, but not much in the 10 years. Impact fee setting is standard, and the fees must be spent within eight years of collection. Per Councilor Radford, Mr. McAweeney also explained that the impact fees are collected at the time the building permits are issued. Concern was expressed regarding development projects with existing timeframes and budgets, to which Mr. McAweeney suggested the possibility of including a grace period for the impact fees. Council President Dingman inquired as to the responses of those in the development community as it pertained to impact fees. City Engineer Kent Fugal responded that the meetings he has had have been positive, there were some expected concerns including phasing in projects that are already in the works or allowing a grace period. Public Works Director Chris Frederickson stated that the next steps in the process would be to work with the Legal Department on the impact fees and implementation timeline. Councilmembers expressed their desire to discuss these items further at a January or February Work Session.

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Mayor Casper called a five-minute recess.

Work Session reconvened at 5:25 p.m. Mayor Casper asked Councilmembers if there were any objections to moving the License Appeal Hearing prior to the Health Insurance Savings discussion, as the previous discussions ran longer than expected. No Councilmembers objected.

License Appeal Hearing and Council Deliberation:

Captain Jeremy Galbreath stated that Ronald Christensen applied for a Private Patrol Person license, which requires a criminal background check. Workflow goes through the City Clerk's Office then to Police. According to City Code – no person shall receive a license as a Private Patrol person who has been convicted of a felony or of any offense involving violence or moral turpitude. Based upon the information from the background check, in 2008, Mr. Christensen is showing a charge of Insurance Fraud, a misdemeanor. That charge was amended and he was convicted on June 30, 2008 for Filing a False Police Report. Captain Galbreath went on to explain that the part of the disqualifier he was looking at was the "crime of moral turpitude." A false report to a police officer is an act of dishonesty and that was the basis of the denial.

Ronald Christensen stated that at the time of the offense, he had just had back surgery and was on pain pills. He does not believe he lied about anything; he stated that it was not a false police report because the tires were stolen. Mr. Christensen stated that he feels it is an unjust charge. He has worked 17 years in the security industry in Idaho Falls and has never had a problem with anything since the aforementioned offense. Mr. Christensen stated that he was not convicted, to which Captain Galbreath explained that although he was not convicted of the original charge, he was convicted of the amended charge.

Councilor Freeman moved to affirm the original denial of the Private Patrol Person license to Ronald Christensen. Councilor Francis seconded the motion. Roll call as follows: Aye – Councilors Hally, Francis and Freeman. Nay – Councilors Radford, Dingman and Burtenshaw. The motion was tied. Mayor Casper voted to uphold the denial of the license. She also stated that she would like to make time in an upcoming Work Session to draft a revision of this ordinance making the denial criteria more specific. This will be included in the December 6th Work Session.

Disposition of Health Insurance Savings:

Municipal Services Director Pam Alexander provided a brief presentation regarding insurance savings; these savings stem from changing to Pacific Source for health insurance. Director Alexander stated that the year-one savings from this change amount to \$782,000. An additional \$16,000 will be saved the following year. These savings are the result of a temporary reduction to the City funded contribution to the new health plan provided by the insurance carrier. Options for what to do with these savings had been previously discussed on August 23 and again on September 20, 2021. Director Alexander also mentioned some risk factors and upcoming city-wide costs, including the possibility that the city could see an increase in cost of the health plan in the future. Inflation is another risk factor. Mayor Casper noted that it is important to note that this money doesn't belong to anyone, it's a savings on the part of the city. It can be saved, spent, or applied to something specific. She also mentioned that with this savings being one-time money, Council should consider whether they want to spend it on a one-time cost, an ongoing cost, or save it? Cost of retaining talent is going up.

Councilor Hally stated that he would like to see a 60-40 or 50-50 split, with half of the money going to employees and the other half going into savings to mitigate future health plan costs. He noted that employees are a capital expenditure and that if you don't take care of them, there are significant costs associated with that.

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Councilmembers were in favor of a 1.5% wage increase for all city employees; however, because unionized employees are subject to their contracts, this would exclude some employees from a pay raise, which Councilmembers were not ok with. Council President Dingman suggested putting 50% in savings and using the remaining 50% to give every employee a \$550 one-time distribution. She felt this exhibited true equity among all employees. Controller Mark Hagedorn interjected to note that any increase or change in union employees' wage (even if a holiday bonus) is a contract issue. Assistant City Attorney Michael Kirkham agreed that bonuses are included in an employee's overtime rate and would affect the union employees' contract pay. Fire Chief Duane Nelson stated that he believed a one-time distribution would be a negotiable contract item that would need to be taken to the union. Mr. Kirkham suggested sending a letter to the union and if they accept then negotiation is over; however, it does become part of this year's contract. The risk associated with this is the potential that it prompts further negotiations.

Councilor Francis stated that he is in favor of the 1.5% wage increase, noting that some employees did not receive an increase this year. Council President Dingman mentioned that one-time payments are more impactful. There is Council support for both options. Mr. Hagedorn clarified the current number of employees but stated that it does change almost daily. He also provided a spreadsheet showing the various total costs associated various bonus amounts. Mr. Hagedorn also reminded Councilmembers that whatever is decided will take some time to implement, it won't be immediate, as the city has definite pay cycles.

Review of Committee Report and Discussion: Connecting Us, Sustaining Progress (CUSP):

Councilor Burtenshaw provided a review of the Education Committee CUSP report, noting that comprehensive access to education is what is needed. Some ways to address this may include partnering elected officials with groups such as Idaho Business for Education. Another avenue for providing access to higher education is through the Mayor's Scholarship. Councilor Burtenshaw also noted the importance of early childhood education, which is lacking in our area. Childcare and after school programs are underserved. She also noted that the Idaho National Laboratory is one of the only National Labs that does not provide onsite employee childcare, whereas Melaleuca has onsite daycare and has been voted one of America's best employers for women. Councilor Burtenshaw concluded by saying that her takeaway from the CUSP report basically exhibits a need for the city to become more involved in committees that are already at work around us and to take a more active role. There are a number of local businesses that already participate, but there are no local elected officials on their committees. Mayor Casper noted that the push has been toward legislative action for early childhood education to be funded publicly rather than privately and will pass that dialogue on to Councilmembers.

It was then moved by Councilor Radford, seconded by Councilor Hally, to move into Executive Session (at 7:07 p.m.). The Executive Session is being called pursuant to the provisions of Idaho Code Section 74-206(1)(b) to consider the evaluation, dismissal or disciplining of, or to hear the complaints or charges brought against a public officer, employee, staff member or individual agent. The Executive Session will be held at the City Annex Conference Room. At the conclusion of the Executive Session, the Council will not reconvene into Council Work Session. Roll call as follows: Aye – Councilors Francis, Freeman, Hally, Radford and Burtenshaw. Nay – none. Motion carried.

The City Council of the City of Idaho Falls met in Executive Session, Monday, November 22, 2021 in the City Annex Conference Room in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 7:14 p.m.

There were present:

Mayor Rebecca L. Noah Casper

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Councilor Lisa Burtenshaw
Councilor Thomas Hally
Councilor Jim Freeman
Councilor Jim Francis
Councilor John Radford

Also present:

Duane Nelson, Fire Chief
Ryan Tew, Human Resources Director
Michael Kirkham, Assistant City Attorney
Randy Fife, City Attorney

The Executive Session was called pursuant to the provisions of Idaho Code Section 74-206(1)(b) to consider the evaluation, dismissal or disciplining of, or to hear the complaints or charges brought against a public officer, employee, staff member or individual agent.

There being no further business, the meeting adjourned at 7:49 p.m.

s/ Krista Weeks
Krista Weeks, Deputy City Clerk

s/ Rebecca L. Noah Casper
Rebecca L. Noah Casper, Mayor